

**COUNTY COUNCIL**  
**OF**  
**TALBOT COUNTY, MARYLAND**

2015 Legislative Session, Legislative Day No. : October 27, 2015

Bill No.: 1323

Expiration Date: December 31, 2015

Introduced by: Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

**A BILL TO ESTABLISH THE “SUSTAINABLE TOURISM AND REINVESTMENT DISTRICT” TO PERMIT CONSIDERATION OF PROPOSALS TO REDEVELOP AND REINVEST IN CERTAIN EXISTING TOURISM-RELATED FACILITIES, TO SPECIFY THE DISTRICT’S PURPOSE, DISTRICT REQUIREMENTS, PERMITTED USES AND BULK REQUIREMENTS; TO ESTABLISH A PROCESS FOR APPLICATION, REVIEW, AND APPROVAL OF SUCH DISTRICTS, AND GENERALLY RELATING TO SUSTAINABLE TOURISM AND REINVESTMENT DISTRICTS**

By the Council: October 27, 2015

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, November 24, 2015 at 6:30 p.m. at the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order   
Susan W. Moran, Secretary

**A BILL TO ESTABLISH THE “SUSTAINABLE TOURISM AND REINVESTMENT DISTRICT” TO PERMIT CONSIDERATION OF PROPOSALS TO REDEVELOP AND REINVEST IN CERTAIN EXISTING TOURISM-RELATED FACILITIES, TO SPECIFY THE DISTRICT’S PURPOSE, DISTRICT REQUIREMENTS, PERMITTED USES AND BULK REQUIREMENTS; TO ESTABLISH A PROCESS FOR APPLICATION, REVIEW, AND APPROVAL OF SUCH DISTRICTS, AND GENERALLY RELATING TO SUSTAINABLE TOURISM AND REINVESTMENT DISTRICTS**

**KEY**

<b>Boldface</b> .....	Heading or defined term
<u>Underlining</u> .....	Added to existing law by original bill
<del>Strikethrough</del> .....	Deleted from existing law by original bill
<u><del>Double underlining</del></u> .....	Added to bill by amendment
<del>Double strikethrough</del> .....	Deleted from bill by amendment
* * * .....	Existing law unaffected

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Code shall be and is hereby amended as set forth below, to include a new section, § 190-107.1, and to amend §§ 190-170 and § 190-208 as follows:

\* \* \*

1 **§190-107.1. Sustainable Tourism and Reinvestment District**

2 A. Purpose and intent.

3 (1) The Sustainable Tourism and Reinvestment (“STAR”) district is intended to promote  
4 reinvestment and redevelopment of existing tourism-related structures or uses that are

5 subject to the restrictions in Chapter 190, Article VIII (Nonconforming Lots, Uses, and  
6 Structures).

- 7 (2) The STAR district is intended to promote the local tourism industry, to encourage the  
8 economical and efficient use of land and reinvestment in existing nonconforming  
9 tourism-related structures and uses through rehabilitation, redesign, upgrades,  
10 demolition, and reconstruction.

11 B. District requirements. A STAR district is a floating zone that may be applied only to a  
12 parcel of record in existence as of (insert Bill's effective date):

- 13 (1) Improved by an existing legal nonconforming hotel, motel, community and cultural  
14 facility, golf course open to the public, inn, marina, or restaurant;  
15 (2) That has been in continuous use for a period of at least 10 years, ending, if at all, not  
16 more than 5 years prior to the date of the application; and,  
17 (3) That has a legal non-conforming status.

18 C. Effect of district adoption. Adoption of a Sustainable Tourism and Reinvestment district  
19 permits redevelopment of existing tourism-related structures and uses without regard to the  
20 restrictions in Chapter 190, Article VIII (Nonconforming Lots, Uses, and Structures).

21 D. Permitted uses and structures.

- 22 (1) Principal uses and structures in a STAR district include hotels, motels, community and  
23 cultural facilities, golf courses open to the public, inns, marinas, and restaurants.  
24 (2) Accessory uses and structures that are incidental and subordinate to, and customarily  
25 found in connection with the principal uses or structures listed in paragraph D (1)  
26 above.

28 E. Bulk requirements.

29 (1) Bulk requirements shall be as specified in the base zone or applicable overlay zone(s),  
30 whichever is more restrictive, subject to subparagraphs E. (2) and E. (3), below.

31 (2) Pre-existing legal nonconforming improvements that do not comply with the bulk  
32 requirements in effect as of the date of the approval of an application under this Section  
33 190-107.1 may be continued, and any such nonconforming bulk requirements may be  
34 permitted for any new or replacement improvements, but the extent of any such non-  
35 conforming bulk requirements may not be increased without a variance. Any limitation  
36 on bulk requirements set forth in Section 190-167 of this Chapter shall not be  
37 applicable to redevelopment approved under this Section 190-107.1.

38 (3) Calculation of maximum structure height shall exclude rooftop mechanical equipment,  
39 elevator overruns, and any approved architectural detail or parapet minimally sized to  
40 hide those elements.

41 F. Other requirements.

42 (1) Architectural Requirements. Architectural requirements shall be set forth in an  
43 approved Redevelopment Plan.

44 (2) Parking. Off street parking shall be provided in accordance with an approved  
45 Redevelopment Plan.

46 (3) Landscaping. Landscaping shall be provided in accordance with §190-122 of this  
47 Chapter.

48 (4) Signs. Signage shall be provided in accordance with the provisions of Article VII of  
49 this Chapter.

50 G. Applications. Applications for a STAR district shall be filed with the Planning Officer and  
51 shall contain:

52 (1) An adequate legal description of the property proposed for inclusion in the district;

53 (2) A Redevelopment Plan deemed by the Planning Director to include all information  
54 required to permit complete review of the application. The Planning Officer may  
55 require the applicant to provide additional or supplemental information as necessary to  
56 evaluate or process the application.

57 (3) A certification of nonconforming status under § 190-166.

58 H. Procedure for approval. The procedure for establishing a STAR district is the same as the  
59 procedure for amendments to the Official Zoning Maps set forth in Article IX, except as  
60 modified herein.

61 (1) A preapplication meeting in accordance with § 190-170 shall be required prior to  
62 submission of an application.

63 (2) Sponsorship of the application by at least one council member shall be required in  
64 accordance with § 190-173 B (2) (c) for the application to proceed.

65 (3) If sponsored, the application shall be scheduled for review and comment by the Technical  
66 Advisory Committee in accordance with § 190-184 H. (1) and H. (2) (a).

67 (4) The applicant shall hold a community meeting in accordance with § 190-184 I. (3);

68 (5) The Planning Commission shall review the application for consistency with the  
69 Comprehensive Plan in accordance with § 190-173 D. The Planning Commission may  
70 recommend modification of the structures, uses, or Redevelopment Plan prior to  
71 forwarding its recommendations to the County Council.

(6) Upon conclusion of the Planning Commission's review under § 190-173 D., and upon the request of either the Planning Commission or the County Council, the County Council shall schedule a joint work session with the Planning Commission to review the application and the Planning Commission's recommendations.

(7) Legislation to adopt a STAR district may be introduced in accordance with § 190-173 E. and F.

(8) Required findings. An application for a STAR district may be approved based upon the following findings:

- i. Approval of the district is consistent with the Comprehensive Plan;
- ii. Approval of the district is consistent with the purposes and intent of this section, § 190-107.1;
- iii. Public facilities and services are or will be adequate, including roads, individual or community water systems, individual or community sewerage systems, police and fire protection, and any other facilities and services deemed appropriate;
- iv. The beneficial purposes achieved by the district are not outweighed by any adverse effects on the surrounding neighborhood;
- v. The district will promote, and will not interfere with, the adequate and orderly provision of public facilities; and,
- vi. All requirements of this Section have been met.

#### I. Site Plan Approval

(1) After approval of a STAR district the applicant shall apply for site plan approval in accordance with § 190-184 to implement the Redevelopment Plan.

(2) The approved Redevelopment Plan shall include sufficient detail to permit accurate preparation, review, comment, and approval of a site plan to implement all features, conditions, and requirements of the approved district.

(3) The site plan approval shall be based upon, consistent with, and shall implement the approved Redevelopment Plan.

(4) If the final site plan is not approved within two years of the effective date of the STAR rezoning, the County Council may reclassify the property back to its original zoning designation.

(5) Construction of improvements authorized by adoption of a STAR district shall commence within two (2) years of final site plan approval. If construction does not commence within two (2) years following final site plan approval, the County Council may reclassify the property back to its original zoning designation.

J. Amendments. An approved STAR district, a Redevelopment Plan, or an approved site plan may be amended in the same manner and subject to the same conditions as an original application.

K. Construction. Section § 190-107.1 does not waive, suspend, modify, or supersede any applicable federal or State laws, regulations, or requirements, including without limitation critical area requirements.

\* \* \*

**§ 190-170. General application and review procedures**

Applications submitted pursuant to this chapter shall be processed in accordance with the procedures of this section and any other procedures established in this chapter for a specific decisionmaking body or type of application.

A. Presubmission meetings.

(1) A presubmission meeting with the Planning Office ~~is~~ shall be required for site plans and Sustainable Tourism and Reinvestment district applications and is optional for all other applications ~~required under this Chapter, and~~ The meeting shall be scheduled by the Planning Office at its request or upon request of the applicant.

\* \* \*

**§190-208. Definitions**

\* \* \*

**REDEVELOPMENT PLAN**—A component part of an application for a Sustainable Tourism and Reinvestment district that details the size, location, setback, height, architectural features, and other characteristics, features, and uses of structures in the district. The redevelopment plan shall include the location of roads, access, easements, parking, landscape features, open space, reserved areas, drawings, elevations, plans, construction phasing and schedules, and all other features or information deemed necessary to complete or supplement an application.

\* \* \*

SECTION TWO: BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION THREE: AND BE IT FURTHER ENACTED, that if any provision of this Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of



the Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

**PUBLIC HEARING**

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. \_\_\_\_\_ having been published, a public hearing was held on \_\_\_\_\_.

**BY THE COUNCIL**

Read the third time.

ENACTED \_\_\_\_\_

By Order \_\_\_\_\_  
Susan W. Moran, Secretary

Pack -

Williams -

Bartlett -

Price -

Callahan -